

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUSTYN A. GRIMSLEY, *individually and on
behalf of all persons similarly situated,*

Plaintiff,

v.

ENVIRONMENTAL MANAGEMENT SPECIALISTS,
INC.,

Defendant.

Case No.: 2:15-cv-02371-MHW-NMK

CIVIL ACTION

COLLECTIVE AND CLASS ACTION

**PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT**

Plaintiff Justyn A. Grimsley ("Plaintiff"), through his undersigned counsel, respectfully moves this Court for an Order:

1. Granting preliminary approval of the Parties' Settlement Agreement, a true and correct copy of which is attached as Exhibit 1 to this Motion;
2. For settlement purposes, preliminarily certifying the state law claims as a FED. R. CIV. P. 23 class on behalf of the Ohio Settlement Class and conditionally certifying the FLSA claims pursuant to 29 U.S.C. § 216(b);
3. Preliminarily approving Plaintiff Justyn A. Grimsley as the Representative of the Ohio Settlement Class;
4. Preliminarily approving Berger & Montague, P.C. and Landskronner Grieco & Merriman, LLC as Class Counsel for the Ohio Settlement Class;
5. Preliminarily approving The Angeion Group as Settlement Administrator and preliminarily approving the costs of claims administration;

6. Approving the Settlement Notice and Opt-In Consent Form, true and correct copies of which are attached as Exhibits A and B, respectively, to the Settlement Agreement; and

7. Approving the proposed schedule and procedure for completing the final approval process as set forth in the Parties' Settlement Agreement.

This Motion is based on the accompanying Memorandum of Law, the Declaration of Shanon J. Carson in Support of Plaintiff's Unopposed Motion for Preliminary Approval of the Settlement Agreement, the attached Exhibits, and all other records, pleadings and papers on file in this action. Pursuant to the terms of the Settlement Agreement, Defendant does not oppose this Motion.

A proposed Order is submitted for the Court's consideration.

Dated: February 26, 2016

Respectfully submitted,

/s/ Sarah R. Schalman-Bergen

Shanon J. Carson

Sarah R. Schalman-Bergen

Alexandra K. Piazza

BERGER & MONTAGUE, P.C.

1622 Locust Street

Philadelphia, PA 19103

Telephone: (215) 875-3000

Facsimile: (215) 875-4604

Email: scarson@bm.net

sschalman-bergen@bm.net

apiazza@bm.net

Jack Landskroner (0059227)

Drew Legando (0084209)

LANDSKRONER GRIECO MERRIMAN LLC

1360 West 9th Street, Suite 200

Cleveland, Ohio 44113

Phone: (216) 522-9000

Fax: (216) 522-9007

Email: jack@lgmlegal.com

drew@lgmlegal.com

Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel of record through the Court's ECF system this 26th day of February, 2016.

s/ Sarah R. Schalman-Bergen
Sarah R. Schalman-Bergen